

Remarks

This Amendment under 37 C.F.R. § 312 is being submitted in response to the Notice of Allowability mailed on January 13, 2009. The Applicants greatly appreciate the allowance of claims 1-3, 5-7, 12-16, 22, 23, 25, 27-30, 34, 45-47 and 99-114. However, the Applicants respectfully traverse the Examiner's cancellation of claims 4, 8-11, 17-21, 24, 26, 31-33, 35, 36, 39-44 and 48-50, because they are "directed to an invention non-elected without traverse." These claims are all drawn to the same invention but were withdrawn as being directed to a non-elected species in response to the Election of Species requirement mailed on December 28, 2004. The Election of Species requirement stated that claim 1 is generic and that upon allowance of a generic claim, the Applicants would "be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. 1.141." Moreover, in the amendment filed January 28, 2005, the Applicants further reiterated that they "respectfully reserve the right to have the claims readable on the non-elected species considered in this application should any of the generic claims be allowed." Given that generic claim 1 is now allowed, and that claims 4, 8-11, 17-21, 24, 26, 31-33, 35, 36, 39-44 and 48-50 are dependent therefrom, Applicants assert their right to have these claims rejoined under 37 C.F.R. 1.141 and respectfully request withdrawal of the Examiner's Amendment.

It is not believed that any fees are required with the submission of this response. However, if any fees are due, the Commissioner may charge appropriate fees to The H.T. Than Law Group, Deposit Account No. 50-1980, and if any extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a).

Respectfully submitted,

Date: January 21, 2009

/H.T. Than/

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Appl. No. 10/629,006
Attorney Docket No. BIC-016

Amendment Under 37 C.F.R. § 312

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